IN THE HON'BLE HIGH COURT OF JUDICTURE CHHATTISGARH
AT BILASPUR

CASE No.M.A.....643 /03 **Division Bench**

APPELLANTS
CLAIMANTS

1. TERASRAM SURYAVANSHI
S/o Shri Bihari Suryavanshi
Age.35 years

2. Smt. GangaBai
W/o Bihari Suryavanshi
Age 50 years
Resi. Both the appellants live at
Gram Jevara,Tah. & P.S. Pamgarh
Distt.- Janjgir C.G.

VERSUS

RESPONDENTS
NON -APPLICANTS

1. Brij Mohan Dhivar
S/o. Shiv Prasad Dhivar
Resi./o Behind Rest House
Janjgir Tah. & Distt. Janjgir Champa (C.G.)

2. United India Insurance Com. Ltd.
Through Branch Manager,
Transport Nagar Korba
Distt. Korba (C.G.)

P. R. No. 1532/03
Presented by Shri R.D. Kumar Gupta
dated 06.03.03

APPEAL UNDER SEC. 173 OF THE MOTOR VEHICLE ACT 1988

(13)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...MA 643 | 2003 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench :

HON'BLE SHRI FAKHRUDDIN, J.
& HON'BLE SHRI V.K. SHRIVASTAVA, J.

15-04-2005.

Shri R.K. Gupta, counsel for the appellants.

None for respondent No.1.

Shri Abhishek Sinha, counsel for respondent No.2/Insurance Company.

Heard.

This appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellants/Claimants for enhancement of the quantum of award passed by the learned Claims Tribunal.

In this case, the rash and negligence on the part of the respondent No.1 is not in dispute.

Learned counsel for the parties submit that an award of Rs.87,000/- was passed in favour of the appellants. However, during the pendency of the present appeal a compromise has been arrived at by the parties and an additional amount of Rs.45,000/- has been agreed to be paid to the appellants/claimants. A document to this effect has also been filed. It is also agreed by both the parties that the amount due shall be paid within a period of two months from today and in view of the aforesaid compromise, the appellants do not want to prosecute the appeal.

We have gone through the records. The enhanced figure worked out on compromise appears to be just and proper.

...P/2..

(19)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... MA 643/2003 ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In this view of the matter, it is directed that the appellants/claimants shall get total sum of Rs.1,32,000/- as compensation and, therefore, the award passed by the learned Claims Tribunal is modified to the extent indicated above. In other words, the appellant would get a sum of Rs.45,000/- over and above what has been already awarded by the learned Claims Tribunal. It is made clear that if the amount due is not paid to the appellants as per the compromise arrived at by the parties within a period of two months from today, the appellants shall be entitled to charge interest @ 9% per annum from the said date till its realization. Thus, the appeal stands disposed of in terms of compromise arrived at by the parties. We, however, very much appreciate the efforts made by learned counsel for the parties. Certified copy as per rules. **Sd/-** **Fakhruddin** **Judge**	**Sd/-** **V.K.Shrivastava** **Judge**

Raju